

REMARKS/ARGUMENTS**1.) Claim Amendments**

The Applicants have amended independent claims 36 and 53 to include the limitations of claims 39 and 55, respectively, which have been cancelled; no new subject matter has been added. Accordingly, claims 36-38, 40-54 and 56-70 remain pending.

1.) Withdrawal of Prior Claim Rejections

In the office action dated June 8, 2009, the Examiner rejected claims 36-70 as being unpatentable over Steinberg, *et al.* (U.S. Patent Publication No. 2004/0136324) in view of Rusch (U.S. Patent Publication No. 2003/0100308). In the subsequent office action, dated November 20, 2009, the Examiner withdrew that rejection and rejected claims 36-37, 39-49, 51-68, and 70 as being unpatentable over Steinberg in view of Stolorz, et al. (U.S. Patent Publication No. 2003/0065762).¹ In other words, the Examiner replaced Rusch with Stolorz as the secondary reference. In the present office action, dated May 25, 2010, the Examiner has withdrawn that basis of rejection and has now rejected claims 36-70 as being unpatentable over Steinberg (U.S. Patent Publication No. 2004/0136324) in view of Bodlaender (U.S. Patent Publication No. 2005/0120140). In other words, the Examiner has now replaced the teachings of Stolorz with the teachings of Steinberg as the secondary reference. Although the Applicants appreciate the Examiner's implicit acknowledgement that the claimed invention is patentable over the combined teachings of Steinberg and Stolorz, as well as the combined teachings of Steinberg and Rusch, the claimed invention is also patentable, for the reasons presented *infra*, over the combined teachings of Steinberg and Bodlaender.

¹ The Examiner also rejected dependent claims 38, 50 and 69 as being unpatentable over Steinberg in view of Stolorz and Rusch.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has now rejected claims 36-70 as being unpatentable over Steinberg (U.S. Patent Publication No. 2004/0136324) in view of Bodlaender (U.S. Patent Publication No. 2005/0120140). The Applicants traverse the rejections.

The Applicant has amended claim 36 to include the limitations of claim 39. Claim 36 now recites:

36. A method for traffic control in a communication system comprising a plurality of access networks and at least one mobile multi-access terminal, said method comprising the steps of:

receiving, at a network-based traffic control server of the communication system, access-related information from at least a subset of the access networks;

coordinating the access-related information at the traffic control server;

determining a traffic control signal through adaptive traffic control calculations based on the coordinated access-related information, wherein said determining step is performed at the traffic control server and involves a traffic-spread decision by the traffic control server, said method further comprising the step of forwarding the traffic spread decision to a traffic control client of a multi-access terminal; and,

spreading, at said traffic control client of the multi-access terminal, traffic over the access networks in response to the traffic control signal. (emphasis added)

The Applicants' invention is directed to improved methods, and devices/systems incorporating such methods, for traffic handling in multi-access networks. The invention improves the overall performance by adaptively spreading user traffic over several access networks, and is characterized, in part, by receiving, at a networks-based traffic control server of a communication system, access-related information from at least a subset of the access networks. The access-related information is then coordinated at the traffic control server and a traffic control signal is determined through adaptive traffic control calculations. The traffic is then spread, by a traffic control client of the multi-access terminal, over the access networks in response to the traffic control signal. Steinberg and Bodlaender fail to teach that novel combination of functions, either individually or in combination.

As noted in Applicants' response to the prior office action, although Steinberg relates to networks that include a plurality of access networks, coupled to a plurality of

core networks, its teachings appear limited to selecting an optimal path. The Examiner has not pointed to any teaching therein of spreading traffic over the available access networks, much less "determining a traffic control signal" through adaptive traffic control calculations based on the coordinated access-related information," whereby a traffic control client of a multi-access terminal can spread traffic over the access networks "in response to the traffic control signal," as recited in claim 36 (emphasis added).

The Examiner acknowledges that Steinberg "fails to specifically disclose spreading, at a traffic control client of the multi-access terminal, traffic over the access networks in response to the traffic control signal," which the Examiner asserts is taught by Bodlaender. The "traffic control client of the multi-access terminal" is but a portion of the element of claim 35 in which the spreading function of Applicants' invention is performed. The function of spreading the traffic is performed "in response to the traffic control signal," which is determined by a network-based traffic control server. In contrast, Bodlaender teaches a client device that includes a splitter/merger device 130, which splits outgoing traffic 140 over the available connections (*i.e.*, access networks). In deciding which access networks over which to send traffic, the "client device 100 comprises means 148 . . . for monitoring any bandwidth available over said separate [access networks] as well as means 150 . . . for responding to any change in the available bandwidth." (Paragraph [0022]) Thus, Bodlaender does not teach a traffic control signal which is determined through adaptive traffic control calculations based on the coordinated access-related information, and which is sent from a network-based traffic control server to a client device. Rather, Bodlaender teaches making a decision as to how to split traffic at the client device. One advantage of the approach of Applicants' invention is that the traffic control signal is based on coordinated access-related information, which can be based on information from a plurality of terminals, rather than independently by each terminal. There is no teaching, or suggestion, in either Steinberg or Bodlaender to combine such functionality as recited in claim 36. Therefore, the Examiner has not established a *prima facie* case that claim 36 is obvious in view of those references.

Whereas independent claims 53, 59 and 68 recite limitations analogous to those of claim 36, they are also not obvious over Steinberg in view of Bodlaender. Furthermore, whereas claims 37-52, 54-58, 60-67 and 69-70 are dependent from claims 36, 53, 59 and 68, respectively, and include the limitations thereof, they are also not obvious in view of those references.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 36-38, 40-54 and 56-70.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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